

## **AGENDA**

### **SPECIAL MEETING BOARD OF MAYOR AND ALDERMEN (PUBLIC HEARING – REZONING)**

**November 26, 2007**

**6:00 PM  
Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)**

1. Mayor Guinta calls the meeting to order.
2. Mayor Guinta calls for the Pledge of Allegiance.  
  
A moment of silent prayer is observed.
3. The Clerk calls the roll.
4. Mayor Guinta advises that the purpose of the special meeting is to hear those wishing to speak in favor of or in opposition to proposed changes to the Neighborhood Business District of the Zoning Ordinance; that the Clerk will present the proposed Zoning Ordinance changes for discussion at which time those wishing to speak in favor will be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record, that each person will be given only one opportunity to speak; and any questions must be directed to the Chair.
5. The Clerk presents the proposed Zoning Ordinance changes:  
  
“Amending the Zoning Ordinance of the City of Manchester by revising the requirements for the Neighborhood Business District (B-1) to provide more flexibility in uses allowed, dimensional requirements and parking.”

6. Mayor Guinta requests that Robert MacKenzie, Director of Planning and Community Development, make a presentation.
7. Mayor Guinta calls for those wishing to speak in favor.
8. Mayor Guinta calls for those wishing to speak in opposition.
9. Mayor Guinta advises that all wishing to speak having been heard, the testimony presented will be referred to the Committee on Bills on Second Reading to be taken under advisement with reports to be made to the Board of Mayor and Aldermen at a later date.
10. Mayor Guinta advises that this being a special meeting of the Board, no further business can be presented and a motion to adjourn would be in order.



# CITY OF MANCHESTER

## Planning and Community Development



Robert S. MacKenzie, AICP  
Director

Planning  
Community Improvement Program  
Growth Management

Staff to:  
Planning Board  
Heritage Commission  
Millyard Design Review Committee

**IN BOARD OF MAYOR & ALDERMEN**

**DATE: November 7, 2007**

**ON MOTION OF ALD. DeVries**

**SECONDED BY ALD. O'Neil**

**refer to Bills on Second Reading  
VOTED TO and public hearing on 11/26/2007**

*[Signature]*  
CITY CLERK

October 26, 2007

Honorable Members of the Board of Mayor and Aldermen  
City Hall  
One City Hall Plaza  
Manchester, New Hampshire 03101

*re: Proposed Changes to the Neighborhood Business District of the Zoning Ordinance*

Honorable Board Members:

As we have begun neighborhood revitalization efforts, it has become clear that the Zoning Ordinance pertaining to Neighborhood Business Districts needs to be changed. The current zoning provisions do not move towards the vision of revitalized neighborhoods and in fact may discourage small business reinvestment in these areas. As such, the proposed revisions are designed to encourage small business growth and to create a vision of walkable neighborhood centers that provide needed services to these areas. They have been reviewed by our staff and with the Building Department. In addition to the proposed ordinance, I have included a summary of the proposal.

The next step would be to schedule a public hearing and referral to the Committee on Bills on Second Reading.

If you have any questions, I will be available at your meeting.

Sincerely,

*[Signature]*

Robert S. MacKenzie, AICP  
Director of Planning and Community Development

C: Building Department  
Planning Board  
City Solicitor

# City of Manchester New Hampshire

*In the year Two Thousand and Seven*

## AN ORDINANCE

“Amending the Zoning Ordinance of the City of Manchester by revising the requirements for the Neighborhood Business District (B-1) to provide more flexibility in uses allowed, dimensional requirements and parking”.

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 1. Amending the Zoning Ordinance of the City of Manchester by revising the requirements for the Neighborhood Business District (B-1) to provide more flexibility in uses allowed, dimensional requirements and parking as follows:

Amend Article 5, Use Regulations, Table 5.10 by making the following changes in the column under B-1:

- In A2. Single family attached (townhouse) dwellings, change “--” to “P”;
- In D7. Small scale assembly, fabrication and craftsmen businesses with no outside storage or machinery, change “—” to “P”; and add “8.13” in the Supplementary column;
- In D8. Artisans Lofts including living and working facilities in the same unit for craftsmen and artisans, change “--” to “P”;
- In F2. Split this row in two with the following:
  - F2-1 “Furniture and major appliance stores greater than 8,000 square feet” leaving the same designations as the current F2 section;
  - F2-2 “Furniture and major appliance stores up to 8,000 square feet” with designations identical as F2-1 except change “--” to “P” under the column B-1;
- In F5. Sales of general goods and merchandise within an establishment of up to 8,000 square feet, change “CU” to “P”;
- In G1. Restaurant of up to 5,000 square feet (under establishments serving alcoholic beverages), change “CU” to “P”;
- In H-1-1. Banking, financial, real estate and insurance offices, change “CU” to “P”;
- In H-1-2. Other business and professional offices, change “CU” to “P”;
- In H-3-2. Bed and breakfast, change “CU” to “P”;
- In H-4-1. Theaters, cinemas, concert halls, change “--” to “P”;
- In H-5-2. Indoor health and fitness center, pool, gym or membership recreation center, change “CU” to “P”;
- In J2. Private Elementary or Secondary school, change “—” to “P”;
- In J5. Cultural facilities, such as museums and libraries, change “—” to “P”;
- In J8. Membership fraternal and social organizations and clubs, change “—” to “P”.

Amend Article 5, Use Regulations, Table 5.11 Accessory Uses by making the following changes in the column under B-1:

- In L1. Accessory dwelling within a single family detached residence, change “--” to “P”;
- In L4. Accessory retail or consumer use in a multifamily dwelling, change “—” to “SE”.

# City of Manchester New Hampshire

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

Amend Article 6, Dimensional Regulations, Table 6.07 by making the following changes in the row of B-1:

Under Front Setback (feet), change “10” to “--”;  
Under Rear Setback (feet), change “15” to “10”;  
Under Floor Area Ratio, change “.5” to “2”.

Amend Article 8, Supplementary Regulations for Specific Uses, Subsection 8.01 by adding a “B-1” in the last row of the table so that it reads: “R-3, CBD, and B-1”;

Amend Article 9, Sign Regulations, Subsection 9.07 Signs Prohibited Under this Ordinance by deleting in F the following phrase: “...protrude above the sills of the windows above the first story,...” and insert in its place “...larger than eight (8) feet in height...”; and adding a new subsection I. to read as follows:

“I. Signs on the building blocking windows.”

Amend Article 10, Off-Street Parking and Loading Requirements by making the following changes:

Subsection 10.02 A. Areas and buildings subject to parking requirements, by adding “Neighborhood Business District” so that it reads: “In any district except the Central Business District and the Neighborhood Business District (B-1),...”.

Subsection 10.02 C. by deleting the subsection and inserting in its place:

“C. Districts exempt from parking requirements. All development and changes in use in the CBD and the B-1 districts shall be exempt from the requirements for providing off-street parking and loading of this Article. Additional parking limitations apply as indicated in Section 10.07.”

Subsection 10.02 D2. by deleting “B-1”.

Subsection 10.02 D3. by deleting “B-1”.

Subsection 10.07 by adding a new J (and renumbering the current J to K) to read as follows:

# City of Manchester New Hampshire

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,  
as follows:

“J. Parking limitations in the B-1 District. For newly constructed buildings in the B-1 District, there shall be no parking in the front yard of the building.”

Subsection 10.09 A. Non-residential districts, by adding: “Except in the B-1 District as described in Subsection 10.07 J,....: at the beginning of the first sentence of the subsection.

SECTION II. Resolve this ordinance shall take effect upon passage.

# Summary of Proposed Changes to the Neighborhood Business Zoning District

As the City has been working to revitalize some of the City's older neighborhoods, it has become clear that the Neighborhood Zoning District regulations within the Zoning Ordinance have become outdated and actually discourages the growth of small businesses in the B-1 zoning district. A series of changes are proposed to the allowed uses, dimensional regulations, sign regulations and parking regulations.

It is the intent of these changes to encourage the establishment and growth of small neighborhood businesses, encourage the improvement of buildings and therefore the tax base of these areas, provide a variety of services for the surrounding residential neighborhoods and to make these districts more walkable.

## *Highlights of the Changes include:*

1. Adds 14 new uses which would become "by right" in the Zoning Ordinance including such items as Artisan Lofts, Craftsman businesses, small furniture and appliance stores, Sale of general goods, restaurants up to 5,000 square feet serving alcoholic beverages, Theaters, Bed and Breakfast lodging, cultural facilities, membership and social clubs, and real estate and insurance offices.
2. Adds two new accessory uses including: accessory dwelling within a single family residence, and accessory retail or consumer use in a multifamily building.
3. Changes the dimensional requirements such as: eliminating front yard requirements, reducing rear yard requirements, and increasing the Floor Area Ratio of developments.
4. Allows for expanded use of projecting business signs.
5. Eliminates the requirement for off-street parking within the district.
6. Limits parking in the front yard of the building so that it remains pedestrian friendly.

“Amending the Zoning Ordinance of the City of Manchester by revising the requirements for the Neighborhood Business District (B-1) to provide more flexibility in uses allowed, dimensional requirements and parking”.

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